

**621—5.3(20) Method of voting.**

**5.3(1) *Types of elections.*** The agency may conduct an election, in whole or in part, in person, by mail balloting, or through a telephonic/Web-based system.

**5.3(2) *In-person election.*** An eligible voter shall cast the voter's ballot by marking the voter's choice on the ballot and depositing it in the ballot box. If a voter inadvertently spoils a ballot, the ballot may be returned to the agent who shall void and retain it and provide another ballot to the voter. An absentee ballot shall be delivered to an eligible voter upon the voter's written notice to the agency of the voter's inability to be present at the election for good cause. The voted ballot must be in the possession of the election agent prior to the close of the in-person election in order to be counted and shall be contained in the official envelopes provided for this purpose.

*a. Observers.* Each party to an election may designate an equal number of representatives, not to exceed one per voting site, to act as the party's observers during the election and tally of ballots. Unless agreed to by the parties, observers shall not be supervisory employees of the public employer.

*b. Ballot box.* Upon examination by the observers and prior to the opening of the polls, the election agent shall seal the ballot box so that entry thereto is limited to one slot. In the event that the election is continued for more than one polling period or at more than one polling place, the ballot box shall be sealed in its entirety and shall remain in the custody of the election agent until immediately prior to the next polling period or the counting of the ballots.

*c. Challenges and tally.* A challenge to a voter's eligibility shall be made with good cause prior to the time the voter deposits the voter's ballot in the ballot box. In the event of a challenge, the challenged voter may mark the ballot in secret and the election agent shall segregate the ballot by causing it to be placed in a challenged ballot envelope with appropriate markings and depositing it in the ballot box. The agency shall file the tally of ballots after the close of the election.

**5.3(3) *Mail ballot election.*** When conducting a mail ballot election, the agency shall send an official voting package to each eligible voter by ordinary mail and direct a date by which voted ballots must be received by the agency in order to be counted.

*a. Contents of official voting packages.* Voting packages sent to eligible voters shall consist of voting instructions, a ballot, a secret envelope in which said ballot is to be inserted, and a postage-paid return-addressed outer envelope which identifies the voter for purposes of proposing challenges to the voter's eligibility. In the event of a challenge, both envelopes shall remain sealed until such time as the challenge is resolved.

*b. Tally of ballots—observers—challenges.* The agency shall set a time and place for the tally of ballots, at which time representatives of the parties to the election shall be entitled to be present and challenge for good cause the eligibility of any voter. Challenges must be made prior to the time the outer envelope containing the voter's secret envelope and ballot is opened. In the event of a challenge, both the secret envelope and the outer envelope shall remain sealed until the challenge is resolved. In the absence of a challenge, the voter's outer envelope shall be opened and the secret envelope containing the voter's ballot shall be deposited in the ballot box. The agency shall file the tally of ballots after the close of the election.

**5.3(4) *Telephonic/Web-based election.*** The agency may utilize an election services vendor for the receipt of telephonic and Web-based ballots and for the tallying of those ballots.

*a. Notice of election.* When conducting a telephonic/Web-based election, whether in whole or in part, the agency shall include in the notice of election the telephone number the voter is to call to cast a ballot and the Web-site address for Web-based voting, as well as the script of the ballot.

*b. Tally and challenges.* The agency shall file the tally of ballots after the close of the election period. A party wishing to challenge for good cause the eligibility of any voter shall do so at least two hours prior to the close of the election period. In the event of a challenge, the tally of ballots will not include such vote until the challenge is resolved.

**5.3(5) *Alternate voting method.*** When a voter promptly informs the agency of the voter's inability to cast a ballot using the designated method of voting, the agency shall assist the voter in using an alternate method to cast a secret ballot.

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